

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL**

**No. 735**

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**Introduced by Senator Wolk  
(Coauthor: Senator DeSaulnier)**

February 22, 2013

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An act to add Section 85351 to the Water Code, relating to the Sacramento-San Joaquin Delta Reform Act of 2009.

LEGISLATIVE COUNSEL'S DIGEST

SB 735, as amended, Wolk. Sacramento-San Joaquin Delta Reform Act of 2009: multispecies conservation plans.

The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta by January 1, 2012.

~~This bill would require the council, the Department of Fish and Wildlife, the Counties of Contra Costa, Sacramento, and Solano, the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency, and the San Joaquin Council of Governments~~ *would, on or before February 3, 2014, authorize prescribed local entities to enter into a memorandum of understanding or other written agreement with the council and the Department of Fish and Wildlife regarding multispecies conservation plans, as defined, that describes, among other things, how the parties would ensure that multispecies conservation plans that have been adopted or are under development are consistent*

with the Delta Plan. ~~By imposing this requirement on local public agencies, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 85351 is added to the Water Code, to  
2 read:

3 85351. (a) ~~The council, the Department of Fish and Wildlife,~~  
4 ~~the Counties of Contra Costa, Sacramento, and Solano, the Yolo~~  
5 ~~County Habitat/Natural Community Conservation Plan Joint~~  
6 ~~Powers Agency, and the San Joaquin Council of Governments~~  
7 ~~shall, by January 1, 2015, enter into~~ *On or before February 3,*  
8 *2014, the council, the Department of Fish and Wildlife, and the*  
9 *local entities described in subdivision (b) that choose to enter into*  
10 *an agreement shall establish a mutually agreeable memorandum*  
11 *of understanding, or other written agreement, as appropriate, that*  
12 *describes how the parties would ensure the following:*

13 (1) ~~How the parties would ensure that~~ *That* adopted multispecies  
14 conservation plans are consistent with the Delta Plan, and the Delta  
15 Plan is consistent with those multispecies conservation plans.

16 (2) ~~How the parties would ensure that~~ *That* multispecies  
17 conservation plans under development are consistent with the  
18 adopted multispecies conservation plans, the Delta Plan, and each  
19 other.

20 (3) ~~How to ensure that~~ *That* all the current multispecies  
21 conservation plans, future multispecies conservation plans, and  
22 the Delta Plan are implemented in accord with each other.

23 (b) (1) *The following local entities may choose, but are not*  
24 *required, to enter into a mutually agreeable memorandum of*  
25 *understanding or other written agreement as described in*  
26 *subdivision (a):*

1 (A) *The County of Contra Costa.*

2 (B) *The County of Sacramento.*

3 (C) *The County of Solano.*

4 (D) *The Yolo County Natural Communities Conservation*  
5 *Plan/Habitat Conservation Plan Joint Powers Agency.*

6 (E) *The San Joaquin Council of Governments.*

7 (2) *If no local entities pursuant to paragraph (1) chose to enter*  
8 *into a mutually agreeable memorandum of understanding or other*  
9 *written agreement, the council and the Department of Fish and*  
10 *Wildlife shall not be required to establish the agreement pursuant*  
11 *to this section.*

12 ~~(b)~~

13 (c) The council shall invite and encourage the United States  
14 Fish and Wildlife Service to participate in developing and signing  
15 the agreement pursuant to this section, to the extent authorized  
16 under federal law.

17 ~~(e)~~

18 (d) For purposes of this section, “multispecies conservation  
19 plan” means a multispecies conservation plan adopted under  
20 Section 1539 of the federal Endangered Species Act (16 U.S.C.  
21 Sec. 1531 et seq.), the Natural Community Conservation Planning  
22 Act (Chapter 10 (commencing with Section 2800) of Division 3  
23 of the Fish and Game Code), or jointly under both acts.

24 ~~SEC. 2.—If the Commission on State Mandates determines that~~  
25 ~~this act contains costs mandated by the state, reimbursement to~~  
26 ~~local agencies and school districts for those costs shall be made~~  
27 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
28 ~~4 of Title 2 of the Government Code.~~